



April 30, 2007

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte Presentation* in IB Docket No. 06-123

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, EchoStar Satellite L.L.C. hereby submits this letter summarizing *ex parte* presentations in the above-referenced docket.

Linda Kinney, David Bair, and the undersigned of EchoStar had a series of meetings to discuss the Reverse Band proceeding and the attached Reverse Band proposal that was offered by DirecTV, EchoStar and Intelsat on March 14, 2007. Specifically, EchoStar had separate meetings on Friday, April 27, 2007, with Commissioner Robert McDowell and his legal advisor Angela Giancarlo; Erika Olsen in Chairman Kevin Martin's Office, Aaron Goldberger in Commissioner Tate's Office; and Bruce Gottlieb in Commissioner Copps' Office. A separate meeting by phone was held with Barry Ohlson in Commissioner Adelstein's office on April 30, 2007.

The Reverse Band offers the first new BSS spectrum available in over a decade, and the Commission has the unique opportunity to bolster the spectrum capacity and operational flexibility for new and existing direct-to-home satellite providers. EchoStar maintains that the Consensus Plan offered by DIRECTV, Intelsat, and EchoStar maximizes the number of commercially viable Reverse Band orbital locations by taking into consideration foreign authorizations and existing satellite operations. The Consensus Plan would also enable licensees to maximize power without causing harmful interference to neighboring operations, including future new entrants. In contrast, a symmetrical four degree spacing band plan superimposed on a crowded international licensing scheme would increase conflict with authorizations assigned to foreign operators, many of which are ahead of the US in the international queue. Furthermore, it will not line up with existing US DBS authorizations – representing a missed opportunity to facilitate efficiencies with current US operations representing millions of dollars of investment. Finally, a symmetrical band plan does not take into account the consumer benefits contemplated by the Consensus Plan, including the opportunity to maximize the use of small dishes, hybrid satellites, and existing ground equipment.

If a symmetrical four-degree spacing plan were adopted, EchoStar urges the Commission to delegate to the International Bureau the ability to make subsequent modifications to the band plan in order to maximize the public benefit and commercial value of the new orbital slots. Such

modifications will be necessary to provide opportunities for all potential business plans, accommodate existing satellite operations, and reduce potential conflict and interference. First, Reverse Band licensees will need flexibility on a case-by-case basis to operate outside their assigned orbital slot. Because a symmetrical four degree orbital plan would not take into account existing or planned domestic and international FSS or BSS operations – such as the Canadian filings at various slots including 91° W.L., 111.1° W.L., and 107.3° W.L – many orbital locations would be of little commercial value absent significant flexibility. Whereas the Consensus Plan provides licensees with the flexibility to operate within 0.5° of the designated orbital locations in the Plan, in order to provide comparable flexibility in a four degree environment that has not taken into account existing operations, greater operator flexibility is warranted. For instance, EchoStar would require 0.7° of flexibility to operate efficiently at the 111° WL orbital location to ensure that consumers are able to receive both DBS (at 110° WL) and Reverse Band services on a small consumer dish. In this regard, it is critical that licensees that utilize this flexibility not be penalized by being forced to reduce power levels, which would render the new orbital location of minimal commercial value. The International Bureau should, therefore, have the authority to authorize full-power operation outside assigned orbital locations on a case-by-case basis.

Second, broader flexibility is critical in the non-CONUS spectrum, as defined by the Consensus Plan parties as east of 81° WL and west of 124° WL. EchoStar is the only provider of DBS service from these wing locations today, and the challenges of operating from these locations necessitate similar orbital plan modifications. In the attached document, EchoStar proposes an orbital band plan for the wing locations based on the same principles underlying the Consensus Plan. In particular, EchoStar seeks to ensure that these wing orbital locations can be utilized to serve customers without the need for second (or third) consumer dish. If the Commission were to maintain symmetrical four degree spacing for the wing locations, EchoStar requests that those licensees be able to operate within 2.0° of the assigned orbital location without being forced to operate at lower power levels. By delegating the authority to the International Bureau to make modifications on a case-by-case basis, U.S. consumers may still have the opportunity to receive the full benefit of this new spectrum resource.

Respectfully submitted,

/s/ Bradley K. Gillen

Bradley K. Gillen
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Attachments

cc: Commissioner Robert McDowell
Erika Olsen
Bruce Gottlieb
Barry Ohlson
Aaron Goldberger
Angela Giancarlo